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09400HB0893sam001

LRB094 07423 RXD 45297 a

1 AMENDMENT TO HOUSE BILL 893

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 893 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by adding Section 115-10.6 as follows:

6 (725 ILCS 5/115-10.6 new)

7 Sec. 115-10.6. Admissibility of prior statements of a  
8 murdered, bribed, or intimidated witness.

9 (a) A statement of a witness is not excluded at the trial  
10 of any defendant by the hearsay rule or as a violation of any  
11 right to confront witnesses if the witness was murdered,  
12 bribed, or otherwise intimidated by the defendant, or one for  
13 whose conduct he or she is legally accountable, to prevent the  
14 witness from testifying or participating in any criminal  
15 investigation or prosecution against the defendant.

16 (b) A statement shall not be admitted under this exception  
17 unless:

18 (1) The State makes the statement known to the  
19 defendant sufficiently in advance of the trial or hearing  
20 to provide the defendant with a fair opportunity to meet it  
21 and the State has provided notice of intent to offer the  
22 statement and the particulars of the statement, including  
23 the name of the defendant.

24 (2) The court finds, in a hearing conducted outside the

1       presence of the jury, that the State can prove by a  
2       preponderance of the evidence that the witness was  
3       murdered, bribed, or otherwise intimidated by the  
4       defendant, or one for whose conduct he or she is legally  
5       accountable, in order to prevent the witness from  
6       testifying."